

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Samuel N. Smith,)	C/A NO. 3:14-507-CMC-SVH
)	
Plaintiff,)	
)	OPINION and ORDER
v.)	
)	
Jean H. Toal; Rick Quinn; T. Stephen Lynch;)	
William J. Condon, Jr.; Sandra Matthews;)	
Tracey Colton Green; Mitchell Willoughby;)	
John M.S. Hoefer; World Capital Brokerage, Inc.;)	
Allianz Life Insurance Company; Gameplan)	
Financial Marketing, LLC; John Carrigg; S. Jahue)	
Moore; Tiffany Richardson; Bryan Cantrell;)	
Lindsey Graham; Addison Graves Wilson, Sr.;)	
Alan Wilson; John E. Courson; William N. Nettles;)	
David A. Thomas; Nimrati Randhawa Haley;)	
State of South Carolina; Henry D. McMaster;)	
Glenn McConnell; FINRA; Donita Todd;)	
Rich O'Dell; Cindi Scoppe; Daniel E. Shearouse;)	
Major John Tate; and Susan B. Lipscomb,)	
)	
Defendants.)	

This matter is before the court on Plaintiff's *pro se* complaint, filed in this court pursuant to 42 U.S.C. § 1983.

In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 (B)(2)(e), DSC, this matter was referred to United States Magistrate Judge Shiva V. Hodges for pre-trial proceedings and a Report and Recommendation ("Report"). On March 12, 2014, the Magistrate Judge issued a Report recommending that Plaintiff's complaint be dismissed without prejudice and without issuance and service of process. The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and the serious consequences if he failed to do so. Plaintiff filed objections to the Report on March 19, 2014.

The Magistrate Judge makes only a recommendation to this court. The recommendation has

no presumptive weight, and the responsibility to make a final determination remains with the court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b).

After conducting a *de novo* review as to objections made, and considering the record, the applicable law, the Report and Recommendation of the Magistrate Judge, and Plaintiff's objections, the court agrees with the conclusions of the Magistrate Judge. Accordingly, the court adopts and incorporates the Report and Recommendation by reference in this Order.

The Report concludes that the complaint should be dismissed because its allegations are insufficient to establish that this court has jurisdiction under 28 U.S.C. § 1331 (federal question jurisdiction). *See* Report at 7, ECF No. 8. Plaintiff argues that he has "spell[ed] out the allegations," Obj. at 4, ECF No. 11, and that the listing of a variety of federal statutes are "the 'allegations'. . . [and] my basis" for this court's jurisdiction.

Plaintiff's assertion is without merit. As correctly noted by the Magistrate Judge, Plaintiff "fails [to] demonstrate any type of federal claim against Defendants and fails to show that this case arises under federal law." Report at 7, ECF No. 8.

Accordingly, this matter is dismissed without prejudice and without issuance and service of process.

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
SENIOR UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
March 20, 2014